

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:18CV623-GCM

MICHELLE FAIRCHILD, individually
and as Executrix of the Estate of JEFFREY
FAIRCHILD,

Plaintiff,

vs.

DANIEL JAMES FAIRCHILD,

Defendants.

AMENDED CONSENT ORDER

This Consent Order is voluntarily entered into by and between Michelle Fairchild, in both of her capacities, (hereinafter “Michelle” or “Plaintiff”) and Daniel Fairchild (hereinafter referred to as the “Daniel” or “Defendant”) to resolve all litigation and/or claims that may exist between them (Michelle and Daniel are hereinafter collectively referred to as the “Parties”). The parties knowing consent is demonstrated by their signatures affixed hereto

I. **STIPULATIONS**

1. Plaintiffs filed this action against Defendant, and this action relates to a certain life insurance policy issued by Primerica Life Insurance Company (hereinafter the “Policy”).
2. Defendant denies liability in this matter.
3. The uncontested portion of the Policy is \$426,397.69, and those funds are currently interpleaded with the Court.
4. Also interpleaded with the Court is a refund of premiums paid on the policy in the amount of \$2,592.48.

5. The total principal amount(s) deposited with the Court total \$428,990.17.
6. It is in the best interest of the Parties to enter into this agreement and resolve all litigation and/or claims that may exist between them at this time.
7. Michelle, in both of her capacities, has been represented by Austin “Dutch” Entwistle, III and the law firm of Hartsell & Williams, PA.
8. Daniel has been represented by Andrew L. Fitzgerald and the law firm of Fitzgerald Litigation.
9. Both parties acknowledge that they are satisfied with the representation of their respective attorneys and that this settlement is reached knowingly, voluntarily, and that said settlement is in their respective best interests.

**II. BASED UPON THE FOREGOING, IT IS THEREFORE ORDERED ADJUDGED
AND DECREED BY CONSENT OF THE PARTIES THAT:**

1. Michelle shall receive the following from the funds that are currently interpleaded with this Court:
 - a. \$2,592.48 of refunded premiums interpleaded with this Court;
 - b. \$213,198.84 of the Principal deposited with the Court and,
 - c. ½ of any accrued interest.
2. Daniel shall receive the following from the funds that are currently interpleaded with this Court:
 - a. \$213,198.85 of the Principal deposited with the Court; and,
 - b. ½ of any accrued interest.
3. The funds Michelle is to receive shall be delivered to the law firm of Hartsell & Williams, PA located at 71 McCachern Blvd, Concord, NC 28026..

4. The funds Daniel shall receive shall be delivered to the law firm of Fitzgerald Litigation located at 119 Brookstown Avenue, Suite 402, Winston-Salem, NC 27101.

5. The Parties acknowledge the full satisfaction of any and all rights, claims or interests against each other, whatsoever, and their signatures affixed to this Order shall constitute a full release of and from any and all claims, charges, complaints, demands, defaults, grievances, actions, causes of action, damages, attorneys' fees and expenses, and liabilities of any kind and nature, known and unknown, arising at any time up to and including the date of this Order.

6. The parties shall bear their own costs in prosecuting this action.

7. Upon the foregoing distribution of funds as Ordered herein, this matter is dismissed with prejudice.

IT IS SO ORDERED.

Signed: November 2, 2021



Graham C. Mullen
United States District Judge



[PARTIES' CONSENTS APPEAR ON FOLLOWING PAGE]

_____(SEAL)
Michelle Fairchild, *individually*

_____(SEAL)
Michelle Fairchild, *as Executrix*

_____(SEAL)
Daniel Fairchild

[NOTARY ACKNOWLEDGEMENTS ON FOLLOWING PAGES]

STATE OF NORTH CAROLINA

COUNTY OF _____

I, _____, a Notary Public in and for said County and State, do hereby certify that **Michelle Fairchild** personally appeared before me this date and acknowledged the due execution of the foregoing instrument in her own individual capacity and in the capacity of *Executrix of the Estate of Jeffrey Lee Fairchild*.

Witness my hand and notarial seal this the ____ day of _____, 2021.

NOTARY PUBLIC

My commission expires:

STATE OF FLORIDA

COUNTY OF _____

I, _____, a Notary Public in and for said County and State, do hereby certify that **Daniel Fairchild** personally appeared before me this date and acknowledged the due execution of the foregoing instrument in his own individual capacity.

Witness my hand and notarial seal this the ____ day of _____, 2021.

NOTARY PUBLIC

My commission expires: